

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on July 12, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: July 12, 2018




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE RICHARD M. OSBORNE
Debtor

CASE NO. 17-17361
CHAPTER 11
JUDGE ARTHUR I. HARRIS

AGREED ORDER AUTHORIZING EXAMINATION OF THE DEBTOR, RICHARD M. OSBORNE, AND THE ENTITIES ON EXHIBIT A PURSUANT TO RULE 2004(a) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

This matter before the Court is Motion for Order upon the Debtor, Richard M. Osborne, to Appear for Examination Pursuant to Rule 2004(A) of the Federal Rules of Bankruptcy Procedure [Doc. 168] (“Motion”) filed by the Chicago Title Insurance Company (“Chicago Title”); the Objection to Motion for Order upon the Debtor, Richard M. Osborne, to Appear for Examination Pursuant to Rule 2004(A) of the Federal Rules of Bankruptcy Procedure and Request for Hearing [Doc. 171]; of the Debtor, Richard M. Osborne (“Objection” and “Debtor”), and the Reply of Chicago Title Insurance Company to Debtor’s Objection to Appear for Examination Pursuant to Rule 2004(A) of the Federal Rules of Bankruptcy Procedure [Doc. 182] (“Reply”) filed

by Chicago Title. A hearing on the Motion, the Objection and the Reply having been held on June 28, 2018 commencing at 10:00 AM (“Hearing”) and all parties consenting to the entry of this order and the Court being apprised in the premises Orders as follows:

IT APPEARING to the Court that at the Hearing, Zak Burkons, Receiver, consented to Chicago Title obtaining documents relating to Junior Properties, Ltd., Orwell-Trumbull Pipeline Co., LLC, Heisley Hopkins, Inc., Black Bear Realty, Ltd., and Hamilton Partners, Inc.

IT FURTHER APPEARING to the Court that Chicago Title and the Debtor have resolved all disputes with respect to the requested examination and production of documents under Rule 2004 of the Federal Rules of Bankruptcy Procedure.

IT IS THEREFORE ORDERED, by agreement of Chicago Title and the Debtor, that the Debtor, and the entities on Exhibit A (the “Entities”), are hereby ordered and directed to produce the following documents and items in his or their possession, or under his control or supervision, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure:

- (1) Any documentation regarding the transfer of shares in Osborne Inc., Osborne Concrete & Stone Co., Fairport Trucking Company, Grand River Asphalt Co., Osborne Co. Ltd., and Cuyahoga Concrete Co.
- (2) Any documents concerning Debtor’s ownership or control in or with Osborne Inc., Osborne Concrete & Stone Co., Fairport Trucking Company, Grand River Asphalt Co., Osborne Co. Ltd., and Cuyahoga Concrete Co., including but not limited to documents relating to any interest the Debtor has in the above-named entities.
- (3) Any documents regarding the Center Street Condominiums located at 7472 Presley Avenue and 7474 Presley Avenue, Mentor, Ohio 44060, including documents relating to the Debtor’s interest in such property, and the transfer of such property.

- (4) Documentation of the resolution with Mike Mortel related to the Shamrock Property, including Debtor's execution of documents on behalf of Leimco Development Company in connection with that resolution.
- (5) Documentation regarding Lake County Common Pleas Case Number 16CF001547 involving Biondolillo Masonry, including specifically the source of the settlement proceeds paid in that case.
- (6) Documentation in the Debtor's personal possession or control regarding the value of the following entities and the assets held or owned by such entities: Junior Properties, Ltd., Orwell-Trumbull Pipeline Co., LLC, Chowder Gas Storage Facility, LLC, Lake Shore Gas Storage, Inc., Heisley Hopkins, Inc., Black Bear Realty, Ltd., and Hamilton Partners, Inc.
- (7) Documentation concerning the financials of all of the Entities including Balance Sheets, Tax Returns for the past four (4) years, lists of Assets owned by each entity, Income Statements, and Profit and Loss Statements.
- (8) Documentation of transfers of any real property that is or was owned by any of the Entities, since Debtor filed bankruptcy on December 17, 2017.
- (9) Documentation concerning Louie V LLC, including but not limited to agreements between the Debtor and that entity, transfers from the Debtor to and/or from that entity, and money and/or anything of value exchanged with that entity.
- (10) Documentation concerning and/or relating in any way to current or proposed transactions involving any real property owned by any of the Entities.

IT IS FURTHER ORDERED, by agreement of Chicago Title and the Debtor, that a copy of this Agreed Order shall be sent to each of the entities identified on Exhibit "A" attached hereto

and incorporated by reference, c/o Richard Osborne, Sr., at P.O. Box 1020, Mentor, Ohio 44061.

IT IS FURTHER ORDERED that the Debtor shall produce the above documents and items on or before August 13, 2018, at the Office of Michael J. Sikora III, Sikora Law LLC, 737 Bolivar Road, Suite 270, Cleveland, Ohio 44115.

IT IS FURTHER ORDERED that the Debtor shall appear for examination on August 27, 2018, at 10:00 a.m. EST, at the Office of Michael J. Sikora III, Sikora Law LLC, 737 Bolivar Road, Suite 270, Cleveland, Ohio 44115.

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Order Submitted By:

/s/ Robert D. Barr

Robert D. Barr (#0067121)
KOEHLER FITZGERALD LLC
1111 Superior Avenue East, Suite 2500
Cleveland, Ohio 44114
Phone: (216) 744-2739
Fax: (216) 916-4369
Email: rbarr@koehler.law
Co-Counsel for Chicago Title Insurance Company

Agreed and Consent To By:

/s/ Frederic P. Schwieg

Frederic P. Schwieg, Esq. (#0030418)
Attorney at Law
2705 Gibson Drive
Rocky River, Ohio 44116
Phone: (440) 499-4506
Fax: (440) 398-0490
Email: fschweig@schwieglaw.com
Attorney for Richard M. Osborne

Service List

To be served via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Adam S. Baker, on behalf of Michael E. Osborne, Sr., at abakerlaw@sbcglobal.net

Robert D. Barr, Attorney for Chicago Title Insurance Company, at rbarr@koehler.law

Michael J. Sikora, III, Attorney for Chicago Title Insurance Company, at
msikora@sikoralaw.com

Michael S. Tucker, Attorney for Citizens Bank, N.A., at mtucker@ulmer.com

Christopher J. Klym, Attorney for Ohio Department of Taxation, at bk@hhkwlaw.com

Matthew H. Matheney, Attorney for First National Bank of Pennsylvania, at
mmatheney@bdblaw.com

Timothy P. Palmer, Attorney for The Huntington National Bank, at
timothy.palmer@bipc.com

John J. Rutter, Attorney for Mentor Lumber & Supply Co., at jrutter@ralaw.com

Frederic P. Schwieg, Attorney for Richard M. Osborne, at fschweig@schwieglaw.com

Jeffrey C. Toole, Attorney for Zachary B. Burkons, at toole@buckleyking.com

Maria D. Giannirakis ust06, United States Trustee, at maria.d.giannirakis@usdoj.gov

Scott R. Belhorn ust35, United States Trustee, at Scott.R.Belhorn@usdoj.gov

Gregory P. Amend, Attorney for First National Bank of Pennsylvania, at
gamend@bdblaw.com

Nathaniel R. Sinn, Attorney for First National Bank of Pennsylvania, at
nsinn@bdblaw.com

Alison L. Archer, Attorney for Lakeland Community College, at
alison.archer@ohioattorneygeneral.com

David T. Brady, Attorney for Tax Ease Ohio, LLC, at DBrady@Sandhu-Law.com

Andrew M. Tomko, Attorney for Tax Ease Ohio, LLC, at atomko@sandhu-law.com

AND, by regular U.S. mail, postage prepaid, to the following:

Richard M. Osborne
7265 Markell Road
Waite Hill, Ohio 44094

See the Attached Service List

Exhibit A: Service List

000 Richmond Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

000 West Jackson LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

1058 Peach Blvd LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

1180 West Jackson Street LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

15499 Kinsman Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

2412 N Newton Falls Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

2737 Hubbard Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

27981 Euclid Company LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

362 Center Street LLC

c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

366 Center Street LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

6631 Ridge Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

7621 Mentor Avenue LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

8491 Mayfield Acquisitions LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

8667 East Avenue LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Black Bear Realty LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Blackbrook Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Cobra Pipeline Company LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Concord Hamden Road LLC

c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Gorman Road LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Great Lakes Parkway LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Hamilton Mercantile Development LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Hamilton-Mercantile LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Heisley Hopkins Inc.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Kykuit Resources LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Leimco Development Company
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Madison Route 20 LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Madison Route 20 Properties LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Marietta Land Properties LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Midway Industrial Campus Co. LTD.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Orwell Trumbull Pipeline Co. LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Osair Inc.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Oz Gas Ltd.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Painesville Ballfield LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Plaza Avenue LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Route 84 LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

S.C.R.O. LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Sleepy Hollow Oil and Gas Co.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Tatonka Oil Company LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

The Retirement Management Co.
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Williams Rd. LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Wilson Land Properties LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061

Yellowbrick Storage LLC
c/o Rick Osborne Sr.
PO BOX 1020
Mentor OH 44061